

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of Verizon California Inc. (U 1002 C) for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in California Pursuant to Section 252 of the Communications Act of 1934, as Amended, and the Triennial Review Order.

Application 04-03-014
(Filed March 10, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME FOR RESPONSES AND REPLIES TO MOTION**

On March 1, 2005, a joint motion was filed by MCI, Inc. on behalf of its subsidiary MCImetro Access Transmission Services, LLC ("MCImetro") and its other California local exchange subsidiaries that have adopted MCImetro's interconnection agreement with Verizon California, Inc. (collectively "MCI"); nii Communications, Ltd., ("nii"); Wholesale Air-Time, Inc. ("WAT") (collectively "Joint CLECs"); and The Utility Reform Network ("TURN") (collectively "Joint Movants"). In the Motion, Joint Movants claim that Verizon California Inc. (Verizon CA), by and through its parent company, Verizon Communications Corporation (Verizon) has stated that beginning on March 11, 2005, Verizon will reject all orders for new lines utilizing the unbundled network element platform (UNE-P). The Movants claim that in doing so Verizon CA would be taking steps that are inconsistent with Verizon CA's initiation of this arbitration proceeding, would unilaterally prejudice Verizon CA's still pending motions to withdraw certain parties from this proceeding, and breach its interconnection agreements with Joint CLECs. It is alleged that Verizon CA will take this action pursuant to

its interpretation of the legal effect of the Federal Communication Commission's recently issued Triennial Review Remand Order, released February 4, 2005 (TRRO). The Joint Movants thus seek a Commission order forbidding Verizon CA from rejecting such UNE-P orders pending compliance with the change of law provisions in the respective Interconnection Agreements and completion of this arbitration proceeding.

The Joint Movants concurrently filed a request for an order shortening time to respond to the motion by no later than 5 p.m., Friday, March 4, 2005. Joints Movants claim that such shortening of time for a response is necessary in order to enable the Commission to issue Joint Movants' requested relief prior to Verizon CA's implementation of its planned action to reject Joint CLECs' UNE-P orders beginning on March 11, 2005. Joint Movants argue that the shortening of time is therefore necessary to avoid substantial harm to the competitive marketplace and to consumers that Joint Movants allege would result from Verizon CA's planned actions.

Joint Movants argue that Verizon CA should have anticipated the filing of Joint Movants' Motion, and probably have already taken time to prepare its response because MCI declared its intent on February 18, 2005, to seek relief on the grounds set forth in the Motion if Verizon CA failed to provide assurances as sought by MCI.

By e-mail communication today, copied to all parties, Verizon and SBC California object to any shortening of time, contending the Movants could have made their request earlier.

While it is possible that some earlier filing could have been made, it also appears that Movants were endeavoring to reach some resolution prior to filing their motion. Neither Verizon nor SBC California contends that the date on

which Verizon will decline to offer new UNE-P arrangements is other than the date alleged by Movants. Therefore, in view of the time constraints outlined, Joint Movants' request for an order shortening time for responses to the Motion is hereby granted.

In addition, I am going to request that two questions be addressed in responses, aside from whatever else those responding may choose to offer. They are:

1. Paragraph 227 of the TRRO states (as quoted by Movants) "This transition period shall apply only to the embedded customer base, and does not permit competitive LECs to add new UNE-P arrangements using unbundled access to local circuit switching pursuant to section 251(c)(3) except as otherwise specified in this Order." What does the highlighted text refer to, that is, what exceptions are noted in the TRRO?
2. When paragraph 227 refers to only applying to the embedded customer base, does that mean a customer or a connection? That is, if a customer currently served by UNE-P arrangements wants to add additional lines, can those additional lines be provisioned by UNE-P during the transition time or does it prohibit any new UNE-P arrangements, even for an existing UNE-P served customer?

I am also going to authorize in advance a reply by Movants to the response with respect to these two questions, such reply being due no later than 5 p.m. on Monday, March 7, 2005.

Therefore, **IT IS RULED** that:

1. Joint Movants' request for an order shortening time for replies to their Motion filed on March 1, 2005 is hereby granted.
2. Responses to the Motion of Joint Movants shall be due no later than 5 p.m. on Friday, March 4, 2005.

3. Replies to responses addressing the two questions set forth above shall be due no later than 5 p.m. on Monday, March 7, 2005.

Dated March 2, 2005, at San Francisco, California.

/s/ PHILIP SCOTT WEISMEHL

Philip Scott Weismehl
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have this day served the attached Administrative Law Judge's Ruling Shortening Time for Responses and Replies to Motion on all parties of record in this proceeding or their attorneys of record by electronic mail.

Dated March 2, 2005, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.